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| 09/685,175 | 10/10/2000 | Yasuyuki Ogawa | B208-1109 | 3320 |

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EXAMINER

LONG, HEATHER R

| ART UNIT | PAPER NUMBER |
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2615

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/685,175

Applicant(s)

OGAWA, YASUYUKI

Examiner

Heather R Long

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fellegara et al. (U.S. Patent 6,441,854) in view of Suzuki (U.S. Patent 6,359,649).

Regarding claim 1, Fellegara et al. discloses an image apparatus, comprising: a photo-taking start instruction operation member (24) which gives an instruction for starting a photo-taking operation; a display device (36) which displays a photo-taking image obtained by the photo-taking operation in response to the photo-taking operation; and a decision device (col. 13, lines 18-45). However, Fellegara et al. fails to disclose a decision device that decides whether displaying of the photo-taken image displayed by the display device in response to the photo-taking operation is to be kept even after an operation of the photo-taking start instruction operation member is canceled.

Referring to the Suzuki reference, Suzuki discloses in Fig. 6 an image pickup apparatus, comprising: a photo-taking start instruction operation member (SW1) which gives an instruction for starting a photo-taking operation; a display device (19) which displays a photo taken image; and a decision device which decides whether displaying of the photo-taken image displayed by the display device in response to the photo-taking operation is to be kept even after an operation of the photo-taking start instruction operation member is canceled (col. 9, line 60 – col. 10, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Fellegara et al. with Suzuki in order to provide an image pickup apparatus that makes it possible to realize a so-called pre- or post-confirmation display that allows a user to confirm the state of a still image to be recorded.

Regarding claim **2**, Fellegara et al. discloses an image pickup apparatus, wherein the decision device decides whether displaying of the photo-taken image is to be kept, by an operation of an external operation member (37) different from the photo-taking start instruction operation member (24) (col. 13, lines 18-45).

Suzuki also discloses in Fig. 6 an image pickup apparatus, wherein the decision device decides whether displaying of the photo-taken image is to be kept, by an operation by an external member (36) different from the photo-taking start instruction operation member (SW1) (col. 9, lines 21-30).

Regarding claim 3, Suzuki discloses in Fig. 6 an image pickup apparatus wherein the decision device includes a keeping instruction operation member which gives an instruction for keeping displaying of the photo-taken image, and, when the keeping instruction operation member is not operated, decides that displaying of the photo-taken image is not to be kept (col. 9, lines 21-30; col. 9, line 60 – col. 10, line 10).

Regarding claim 4, Suzuki discloses an image pickup apparatus, wherein displaying of the photo-taken image decided to be kept by the decision device is canceled by an operation of the photo-taking start instruction member (SW1) (Fig. 6). If a user were to preview an image at the pre-confirmation level and lift their finger off the shutter button to cancel the recording and then repress the shutter button to preview a new image, the new image would be updated on the display.

Regarding claim 5, Fellegara et al. discloses in Figs. 3 and 5 an image pickup apparatus, further comprising: a processing device which, in a state where displaying of the photo-taken image is kept by the decision device, applies a predetermined processing operation to the photo-taken image the displaying of which is kept (col. 4, line 65 – col. 5, line 16).

Suzuki also states “it is necessary to display the still image for a sufficiently long time so that the user can perform a satisfactory pre- or post-confirmation of the photographic state of the still image” (col. 2, lines 11-14).

Regarding claim 6, Fellegara et al. discloses in Fig. 1 an image pickup apparatus, wherein the image pickup apparatus includes a camera.

Regarding claim 7, Fellegara et al. discloses an image pickup apparatus, comprising: a display device (36) which displays a photo-taking image obtained by a photo-taking operation in response to the photo-taking operation; a decision device; and a processing device which, in a state where displaying of the photo-taken image is kept by the decision device, applies a predetermined processing operation to the photo-taken image the displaying of which is kept (col. 13, lines 18-45; col. 4, line 65 – col. 5, line 16). However, Fellegara et al. fails to disclose a decision device that decides whether displaying of the photo-taken image displayed by the display device in response to the photo-taken operation is to be kept.

Referring to the Suzuki reference, Suzuki discloses in Fig. 6 an image pickup apparatus, comprising: a display device (19); a decision device which decides whether displaying of the photo-taken image displayed by the display device in response to the photo-taking operation is to be kept; and a processing device (col. 9, line 60 – col. 10, line 2; col. 2, lines 11-14).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Suzuki with Fellegara et al. in order to provide an image pickup apparatus that makes it possible to realize a so-called pre- or post-confirmation display that allows a user to confirm the state of a still image to be recorded.

Regarding claim **8**, grounds for rejecting claim 2 apply for claim 8 in its entirety.

Regarding claim **9**, grounds for rejecting claim 3 apply for claim 9 in its entirety.

Regarding claim **10**, grounds for rejecting claim 10 apply for claim 6 in its entirety.

Regarding claim **11**, Fellegara et al. discloses an image pickup apparatus, comprising: a display device (36) which displays a photo-taken image obtained by a photo-taking operation in response to the photo-taking operation; and a processing device which, in a state where displaying of the photo-taken image is kept by the display device (36), applies a predetermined processing operation to the photo-taken image the displaying of which is kept (col. 13, lines 18-45; col. 4, line 65 – col. 5, line 16). However, Fellegara et al. fails to disclose the display device keeping displaying of the photo-taken image.

Referring to the Suzuki reference, Suzuki discloses in Fig. 6 an image pickup apparatus, comprising: a display device (19) that keeps displaying the photo-taken image; and a processing device (col. 9, line 60 – col. 10, line 2; col. 2, lines 11-14).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Suzuki with Fellegara et al. in order to provide an image pickup apparatus that makes it

possible to realize a so-called pre- or post-confirmation display that allows a user to confirm the state of a still image to be recorded.

Regarding claim **12**, Fellegara et al. discloses an image apparatus, wherein the processing device applies the predetermined processing operation to the photo-taken image the displaying of which is kept, by an operation of an external member (40) (col. 4, line 65 – col. 5, line 16).

Regarding claim **13**, grounds for rejecting claim 6 apply for claim 13 in its entirety.

Regarding claim **14**, this is a method claim corresponding to the apparatus claim 1. Therefore, claim 14 is analyzed and rejected as previously discussed to claim 1.

Regarding claim **15**, this is a method claim corresponding to the apparatus claim 7. Therefore, claim 15 is analyzed and rejected as previously discussed to claim 7.

Regarding claim **16**, this is a method claim corresponding to the apparatus claim 11. Therefore, claim 16 is analyzed and rejected as previously discussed to claim 11.

Regarding claim **17**, Fellegara et al. discloses in Fig. 19 a computer hooked up to an image pickup apparatus. Therefore, in order to run the image pickup apparatus from the computer there must be a program on the computer to implement the instructions. Furthermore, claim 17 is analyzed and rejected as previously discussed to claim 1.

Regarding claim **18**, Fellegara et al. discloses in Fig. 19 a computer hooked up to an image pickup apparatus. Therefore, in order to run the image pickup apparatus from the computer there must be a program on the computer to implement the instructions. Furthermore, claim 18 is analyzed and rejected as previously discussed to claim 7.

Regarding claim **19**, Fellegara et al. discloses in Fig. 19 a computer hooked up to an image pickup apparatus. Therefore, in order to run the image pickup apparatus from the computer there must be a program on the computer to implement the instructions. Furthermore, claim 19 is analyzed and rejected as previously discussed to claim 11.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Makishima et al. (U.S. Patent 6,549,307) discloses in Fig. 3 a preview mode where the user can select either a recording mode, printing mode, or a manual setting mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather R Long whose telephone number is 703-305-0681. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HRL
February 23, 2004


NGOC YEN VU
PRIMARY EXAMINER